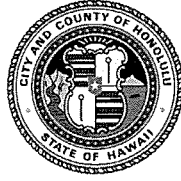


OFFICE OF THE MAYOR
CITY AND COUNTY OF HONOLULU

530 SOUTH KING STREET, ROOM 300 * HONOLULU, HAWAII 96813
PHONE: (808) 768-4141 * FAX: (808) 768-4242 * INTERNET: www.honolulu.gov



PETER B. CARLISLE
MAYOR

DOUGLAS S. CHIN
MANAGING DIRECTOR

CHRYSTN K. A. EADS
DEPUTY MANAGING DIRECTOR

May 3, 2011

Ms. Bernice K. N. Mau
City Clerk
Office of the City Clerk
530 South King Street
Honolulu, Hawaii 96813

RECEIVED
CITY CLERK
C & C OF HONOLULU
2011 MAY -3 PM 2:40

Dear Ms. Mau:

Subject: Approved Bills

The following bill are approved and returned herewith:

Bill 61 (2010), CD2 Amending the North Shore Sustainable Communities Plan.
Bill 9, CD2 Rezoning lands situated at Mokuleia, North Shore, Oahu,
Hawaii.

Very truly yours,

A handwritten signature in black ink, appearing to read "Peter B. Carlisle".

Peter B. Carlisle
Mayor



A BILL FOR AN ORDINANCE

TO AMEND THE NORTH SHORE SUSTAINABLE COMMUNITIES PLAN.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose and Intent. The purpose of this ordinance is to amend Chapter 24, Article 8, Revised Ordinances of Honolulu and to replace the North Shore Sustainable Communities Plan (SCP) incorporated therein with the attached North Shore Sustainable Communities Plan, which has been prepared in accordance with the prescribed requirements of Section 6-1509 of the Revised Charter of the City and County of Honolulu 1973, as amended, relating to development plans, and is to be accorded force and effect as such for all Charter- and ordinance-prescribed purposes.

This sustainable communities plan ordinance adopts a revised sustainable communities plan for the North Shore that presents a vision for the North Shore's future development consisting of policies, guidelines, and conceptual schemes that will serve as a policy guide for more detailed zoning maps and regulations and for public and private sector investment decisions.

This ordinance is enacted pursuant to the powers vested in the City and County of Honolulu by Chapter 46, and Section 226-58 Hawaii Revised Statutes.

SECTION 2. Article 8 of Chapter 24, Revised Ordinances of Honolulu 1990, as amended ("North Shore"), is repealed.

SECTION 3. Chapter 24, Revised Ordinances of Honolulu 1990, as amended, is amended by adding a new Article 8 to read as follows:

"Article 8. North Shore

Sec. 24-8.1 Definitions.

Unless the context otherwise requires, the definitions contained in this section shall govern the construction of this article.

"Charter" or "Revised Charter" means the Revised Charter of the City and County of Honolulu 1973, as amended.

"City" means the City and County of Honolulu.

"Council" means the city council of the City and County of Honolulu.



A BILL FOR AN ORDINANCE

“County” means the City and County of Honolulu.

“Department” or “department of planning and permitting” means the department of planning and permitting of the City and County of Honolulu.

“Development” means any public improvement project, or any public or private project requiring a zoning map amendment.

“Development plan” or “sustainable communities plan” means a plan document for a given geographic area which consists of conceptual schemes for implementing and accomplishing the development objectives and policies of the general plan for the several parts of the City and County of Honolulu.

“Director” means the director of the department of planning and permitting.

“Environmental assessment” or “EA” means a written evaluation prepared in compliance with the environmental council’s procedural rules and regulations implementing Hawaii Revised Statutes Chapter 343 to determine whether an action may have a significant environmental effect.

“Environmental impact statement” or “EIS” means an informational document prepared in compliance with the environmental council’s procedural rules and regulations implementing HRS Chapter 343; and which discloses the environmental effects of a proposed action, effects of a proposed action on the economic and social welfare of the community and State, effects of the economic activities arising out of the proposed action, measures proposed to minimize adverse effects, and alternatives to the action and their environmental effects.

“Finding of no significant impact” or “FONSI” means a determination based on an environmental assessment that the subject action will not have a significant effect and, therefore, will not require the preparation of an environmental impact statement.

“Functional plan” means the public facility and infrastructure plans prepared by public agencies to further implement the vision, policies and guidelines set forth in the North Shore Sustainable Communities Plan.

“General plan” means the general plan of the City and County of Honolulu as defined by Section 6-1508 of the charter.

“Hawaii Revised Statutes” or “HRS” means Hawaii Revised Statutes, as amended.



A BILL FOR AN ORDINANCE

“Planning commission” means the planning commission of the City and County of Honolulu.

“Project master plan” means a conceptual plan that covers all phases of a development project. The project master plan also describes how the project conforms to the vision for the North Shore, and the relevant policies and guidelines for the site, the surrounding lands, and the region.

“Revised Ordinances of Honolulu” or “ROH” means Revised Ordinances of Honolulu 1990, as amended.

“Significant zone change” means a zone change which involves at least one of the following:

- (1) Changes in zoning of 10 or more acres of land to any zoning district or combination of zoning districts, excluding preservation or agricultural zoning districts;
- (2) Any change in zoning of more than 5 acres to an apartment, resort, commercial, industrial or mixed use zoning district; or
- (3) Any development which would have a major social, environmental, or policy impact, or major cumulative impacts due to a series of applications in the same area.

“Special area” means a designated area within the North Shore Sustainable Communities Plan area that requires more detailed planning efforts beyond what is contained in the North Shore Sustainable Communities.

“Special area plan” means a plan for a special area.

“Unilateral agreement” means a conditional zoning agreement made pursuant to ROH Section 21-2.80 or any predecessor provision that imposes conditions on a landowner or developer’s use of the property at the time of the enactment of an ordinance for a zoning change.

Sec. 24-8.2 Applicability and intent.

- (a) The North Shore Sustainable Communities Plan area extends from Kaena Point to Waialeale Gulch near Kawela Bay, and from the shoreline to the slopes of the northerly ends of Waianae and Koolau mountain ranges.



A BILL FOR AN ORDINANCE

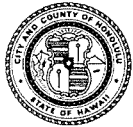
- (b) It is the intent of the North Shore Sustainable Communities Plan to provide a guide for orderly and coordinated public and private sector development in a manner that is consistent with applicable general plan provisions, including the designation of North Shore as a rural area where growth will be managed so that “an undesirable spreading of development is prevented.”
- (c) The provisions of this article and the North Shore Sustainable Communities Plan are not regulatory. Rather, they are established with the explicit intent of providing a coherent vision to guide resource protection and land use within North Shore. This article shall guide any development for North Shore, public investment in infrastructure, zoning and other regulatory procedures, and the preparation of the city’s annual capital improvement program budget.

Sec. 24-8.3 Adoption of the North Shore Sustainable Communities Plan.

- (a) This article is adopted pursuant to Revised Charter Section 6-1509 and provides a self-contained sustainable communities plan document for North Shore. Upon enactment of this article, all proposed developments will be evaluated against how well they fulfill the vision for North Shore enunciated in the North Shore Sustainable Communities Plan and how closely they meet the policies and guidelines selected to implement that vision.
- (b) The plan entitled “North Shore Sustainable Communities Plan,” attached as Exhibit A is hereby adopted by reference and made a part of Chapter 24, Article 8, Revised Ordinances of Honolulu.
- (c) Chapter 24, Article 1, entitled “Development Plan Common Provisions,” in its entirety is no longer applicable to the North Shore Sustainable Communities Plan area. The North Shore Sustainable Communities Plan, as adopted by reference by this ordinance, supersedes any and all common provisions previously applicable to the North Shore area.

Sec. 24-8.4 Existing zoning and subdivision ordinances, approvals, and applications.

- (a) All existing subdivisions and zoning approved prior to the effective date of this ordinance shall continue to remain in effect following the enactment of this ordinance.
- (b) Subdivision and zoning ordinances applicable to the North Shore Sustainable Communities Plan area enacted prior to the effective date of this ordinance shall continue to regulate the use of land within demarcated zones of the North Shore



A BILL FOR AN ORDINANCE

Sustainable Communities Plan area until such time as the subdivision and zoning ordinances may be amended to be consistent with the North Shore Sustainable Communities Plan.

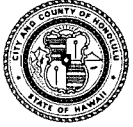
- (c) Notwithstanding adoption of the North Shore Sustainable Communities Plan, applications for subdivision actions and land use permits accepted by the department for processing prior to the effective date of this ordinance shall continue to be subject only to applicable ordinances and rules and regulations in effect at the time the application is accepted for processing.

Sec. 24-8.5 Consistency.

- (a) The performance of prescribed powers, duties and functions by all city agencies shall conform to and implement the policies and provisions of this article and the North Shore Sustainable Communities Plan. Pursuant to Revised Charter Section 6-1511.3, public improvement projects and subdivision and zoning ordinances shall be consistent with the North Shore Sustainable Communities Plan, as adopted.
- (b) Any questions of interpretation regarding the consistency of a proposed development with the provisions of the North Shore Sustainable Communities Plan and the objectives and policies of the general plan shall ultimately be resolved by the council.
- (c) In determining whether a proposed development is consistent with the North Shore Sustainable Communities Plan, the responsible agency shall primarily take into consideration the extent to which the development is consistent with the vision, policies, and guidelines set forth in the North Shore Sustainable Communities Plan.
- (d) Whenever there is a question regarding consistency between existing subdivision or zoning ordinances, including any unilateral agreements, and the North Shore Sustainable Communities Plan, the existing subdivision or zoning ordinances shall prevail until such time as they may be amended to be consistent with the North Shore Sustainable Communities Plan.

Sec. 24-8.6 Review of development and other applications.

The review of applications for zone changes and other development approvals will be guided by the vision of the North Shore Sustainable Communities Plan. Decisions on all proposed developments shall be based on the extent to which the



A BILL FOR AN ORDINANCE

project enabled by the development approval supports the policies and guidelines of the North Shore Sustainable Communities Plan.

The director may review other applications for improvements to land to help the responsible agency determine whether a proposed improvement supports the policies and guidelines of the North Shore Sustainable Communities Plan.

Sec. 24-8.7 Zone change applications.

- (a) All zone change applications relating to land in the North Shore Sustainable Communities Plan area will be reviewed by the department for consistency with the general plan, the North Shore Sustainable Communities Plan, and any applicable special area plan.
 - (1) The director will recommend either approval, approval with changes, or denial. The director's written review of the application shall become part of the zone change report which will be sent to the planning commission and the city council.
 - (2) A project master plan shall be a part of an EA or EIS for any project involving 10 acres or more of land. The director shall review the project master plan for its consistency with the North Shore Sustainable Communities Plan.
 - (3) Any development or phase of a development already covered by a project master plan which has been fully reviewed under the provisions of this article shall not require a new project master plan, provided the director determines that the proposed zone change is generally consistent with the existing project master plan for the affected area.
 - (4) If a final EIS has already been accepted for a development, including one accepted prior to the effective date of this ordinance, then a subsequent project master plan shall not be required for the development.
- (b) Projects which involve a significant zone change shall be required to submit an environmental assessment to the department of planning and permitting prior to an application for a zone change being accepted. Any development or phase of a development which has already been assessed under the National Environmental Policy Act, HRS Chapter 343, ROH Chapter 25, or the provisions of this article, and for which a FONSI has been filed or a required EIS has been accepted, shall not be subject to further EA or EIS requirements under this chapter.



A BILL FOR AN ORDINANCE

- (c) The environmental assessment will be reviewed by the department. Based on review of the environmental assessment, the director will determine whether an environmental impact statement will be required or whether a FONSI should be issued.
- (d) If an environmental impact statement is required, the environmental impact statement must be accepted by the director before a zone change application shall be initiated.
- (e) Zone changes shall be processed in accordance with this section, Section 5.5 of the North Shore Sustainable Communities Plan, and ROH Chapter 21.

Sec. 24-8.8 Annual capital improvement program review.

Annually, the director shall work jointly with the director of the department of budget and fiscal services and the city agencies to review all projects in the city's capital improvement program and budget for compliance and consistency with the general plan, the North Shore Sustainable Communities Plan and other development plans, any applicable special area plan provisions, and the appropriate functional plans. The director of planning and permitting will prepare a written report of findings to be submitted to the council in accordance with Revised Charter Section 6-1503.

Sec. 24-8.9 Five-year review.

- (a) The department of planning and permitting shall conduct a comprehensive review of the North Shore Sustainable Communities Plan, adopted by reference in Section 24-8.3(b), every five years subsequent to the plan's adoption and shall report its findings and recommended revisions to the council.
- (b) The North Shore Sustainable Communities Plan will be evaluated to assess the appropriateness of the plan's regional vision, policies, and guidelines, and implementing actions, as well as its consistency with the general plan.
- (c) Nothing in this section shall be construed as prohibiting the processing of a revision to the North Shore Sustainable Communities Plan in the event either the biennial report of the director of planning and permitting or council recommends consideration of such a revision, pursuant to the Revised Charter of the City and County of Honolulu.



A BILL FOR AN ORDINANCE

Sec. 24-8.10 Authority.

Nothing in this article shall be construed as an abridgement or delegation of the responsibility of the director, or of the inherent legislative power of the city council, to review or revise the North Shore Sustainable Communities Plan pursuant to the charter and the above procedures.

Sec. 24-8.11 Severability.

If any provision of this article or the application thereof to any person or property or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

Sec. 24-8.12 Conflicting provisions.

Any provision contained in this article shall prevail should there be any conflict with any other provisions under Chapter 24."

SECTION 4. Effective Date of the North Shore Sustainable Communities Plan.
The City Clerk is hereby directed to date the North Shore Sustainable Communities Plan with the effective date of this ordinance.



A BILL FOR AN ORDINANCE

SECTION 5. This ordinance shall take effect upon its approval.

INTRODUCED BY:

Nestor Garcia (BR)

DATE OF INTRODUCTION:

December 15, 2010
Honolulu, Hawaii


Councilmembers

APPROVED AS TO FORM AND LEGALITY:



Deputy Corporation Counsel

APPROVED this 3rd day of May, 2011.



PETER B. CARLISLE, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
C E R T I F I C A T E

ORDINANCE

BILL 61 (2010), CD2

Introduced: 12/15/10 By: NESTOR GARCIA (BR)

Committee: PLANNING

Title: A BILL FOR AN ORDINANCE TO AMEND THE NORTH SHORE SUSTAINABLE COMMUNITIES PLAN.

Links: [BILL 61 \(2010\) EXHIBIT A](#)
[BILL 61 \(2010\), CD1 EXHIBIT A](#)
[BILL 61 \(2010\), CD2 EXHIBIT A](#)
[CR-69 \(2011\)](#)
[CR-99 \(2011\)](#)

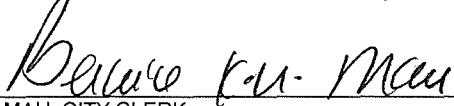
Voting Legend: Y= Aye, Y* = Aye w/Reservations, N = No, A = Absent, ABN = Abstain

NOTE: COUNCILMEMBERS CHANG, GABBARD TAMAYO, HARIMOTO AND MARTIN TOOK OFFICE ON SUNDAY, JANUARY 2, 2011.

NOTE: COUNCILMEMBER BERG TOOK OFFICE ON WEDNESDAY, JANUARY 19, 2011 FILLING THE VACANCY FOR DISTRICT I.

COUNCIL	01/26/11	BILL PASSED FIRST READING AND WAS REFERRED TO COMMITTEE ON PLANNING.							
ANDERSON	Y	BERG	Y	CACHOLA	A	CHANG	Y	GABBARD TAMAYO	Y
GARCIA	Y	HARIMOTO	Y	KOBAYASHI	Y	MARTIN	Y		
PLANNING	03/01/11	CR-69(11) – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AS AMENDED IN <u>CD1</u> (<u>EXHIBIT A</u>) FORM AND SCHEDULING OF A PUBLIC HEARING.							
PUBLISH	03/05/11	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.							
COUNCIL/PUBLIC HEARING	03/16/11	CR-69(11) ADOPTED. BILL PASSED SECOND READING AS AMENDED, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON PLANNING.							
ANDERSON	Y	BERG	Y	CACHOLA	Y	CHANG	Y	GABBARD TAMAYO	Y
GARCIA	Y	HARIMOTO	Y	KOBAYASHI	Y	MARTIN	Y		
PUBLISH	03/29/11	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.							
PLANNING	03/29/11	CR-99(11) – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING AS AMENDED IN <u>CD2</u> (<u>EXHIBIT A</u>) FORM.							
COUNCIL	04/20/11	CR-99(11) ADOPTED, BILL 61 (2010), CD2 PASSED THIRD READING AS AMENDED, AND FINDINGS OF FACT ADOPTED.							
ANDERSON	Y	BERG	Y	CACHOLA	Y	CHANG	Y	GABBARD TAMAYO	Y
GARCIA	Y	HARIMOTO	Y	KOBAYASHI	Y	MARTIN	Y		

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.


BERNICE K. N. MAU, CITY CLERK


NESTOR R. GARCIA, CHAIR AND PRESIDING OFFICER



A BILL FOR AN ORDINANCE

TO REZONE LANDS SITUATED AT MOKULEIA, NORTH SHORE, OAHU, HAWAII.

BE IT ORDAINED by the People of the City and County of Honolulu.

SECTION 1. Zoning Map No. 17, Mokuleia-Waialua-Haleiwa, Ordinance 86-134, is hereby amended as follows: Land situated at Mokuleia, North Shore, Oahu, Hawaii, hereinafter described, is hereby rezoned from F-1 Military and Federal Preservation District to AG-2 General Agricultural District. The boundaries and area of said District shall be described as shown on the map attached hereto, marked Exhibit "A" and made a part hereof, and further identified as Tax Map Key 6-8-003:021.

SECTION 2. A Unilateral Agreement marked "Exhibit B" is by reference incorporated herein and made a part hereof.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 9 (2011), CD2

A BILL FOR AN ORDINANCE

SECTION 3. This ordinance shall take effect upon its approval.

INTRODUCED BY:

Nestor Garcia (BR)

DATE OF INTRODUCTION:


February 17, 2011
Honolulu, Hawaii

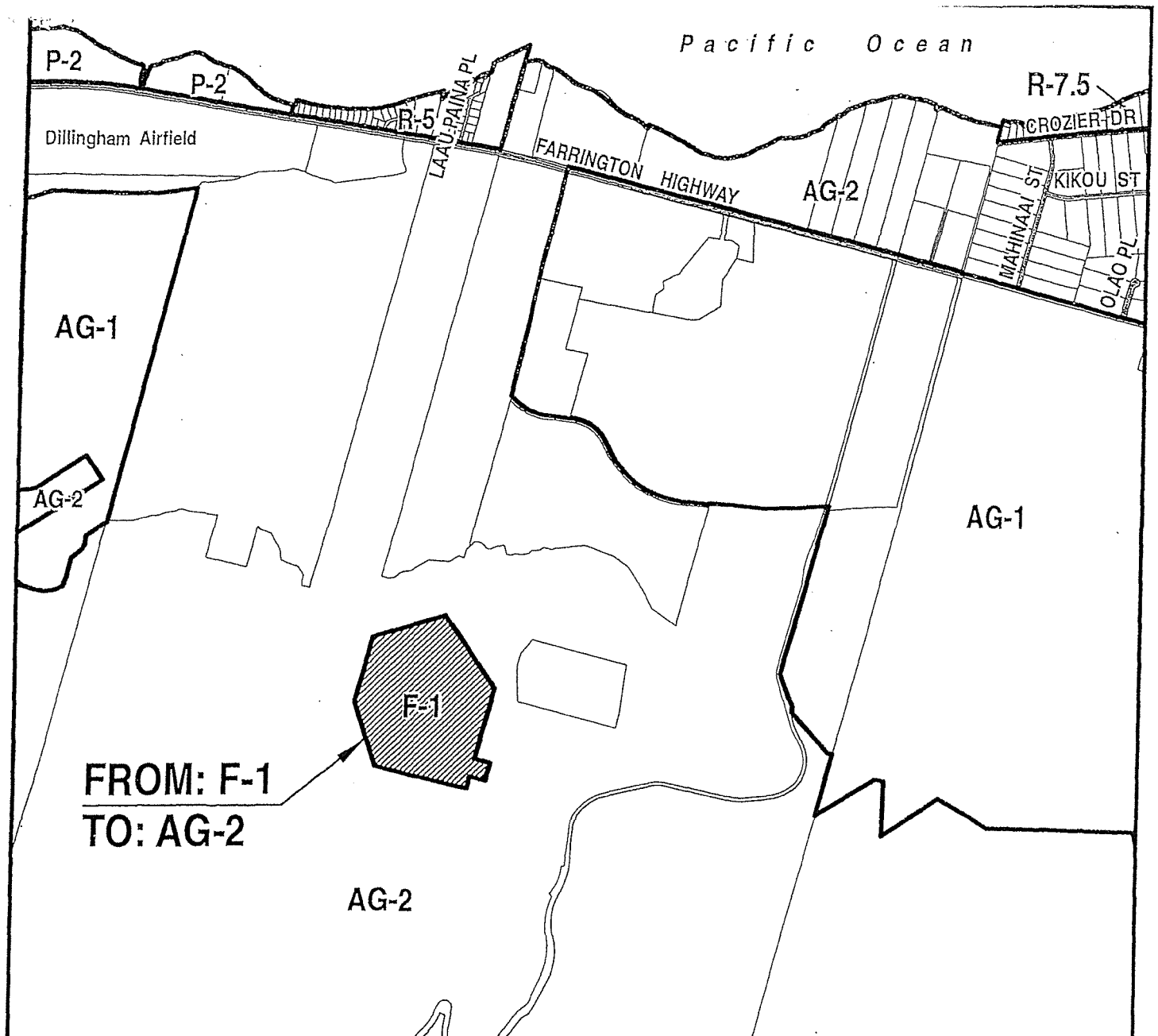
Councilmembers

APPROVED AS TO FORM AND LEGALITY:


Deputy Corporation Counsel

APPROVED this 3rd day of May, 20 11.


PETER B. CARLISLE, Mayor
City and County of Honolulu

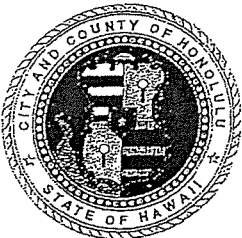


PORTION OF
ZONING MAP NO. 17
(MOKULEIA - WAIALUA - HALEIWA)



0 750 1,500

Scale in Feet



APPLICANT: RALPH GRAY

TAX MAP KEY(S): 6-8-003: 021

FOLDER NO.: 2010/Z-3

LAND AREA: 40.59 Ac.

PREPARED BY: DEPARTMENT OF PLANNING & PERMITTING
CITY AND COUNTY OF HONOLULU

PUBLIC HEARING

PLANNING COMMISSION

CITY COUNCIL

DEC 15 2010

MAR 16 2011 2010/Z-3

ORD. NO.

EFF. DATE:

EXHIBIT A

BILL 9 (2011), CD2

OFFICE OF THE
ASSISTANT REGISTRAR, LAND COURT
STATE OF HAWAII
(Bureau of Conveyances)

The original of this document was
recorded as follows:

DOCUMENT Doc 4066248
DATE CTN 866,101
APR 19, 2011 08:02 AM

THE ORIGINAL OF THE DOCUMENT
RECORDED AS FOLLOWS:
STATE OF HAWAII

BUREAU OF CONVEYANCES

DATE Doc 2011-064483
DOCUM APR 19, 2011 08:02 AM

LAND COURT

REGULAR SYSTEM

AFTER RECORDATION, RETURN BY MAIL (X) PICKUP () TO:

Analytical Planning Consultants, Inc.
928 Nuuanu Avenue, Suite 502
Honolulu, Hawaii 96817

Page 1 of 8

TITLE OF DOCUMENT: Unilateral Agreement and Declaration for
Conditional Zoning

PARTY TO DOCUMENT: Mokuleia Ranch Estates, LLC
3107 Oahu Avenue
Honolulu, Hawaii 96822

Coastal View Properties, LLC
440 W. Whittier Blvd.
La Habra, California 90631

TAX MAP KEY NO. (1) 6-8-003: 021

UNILATERAL AGREEMENT AND
DECLARATION FOR CONDITIONAL ZONING

THIS INDENTURE (hereinafter referred to as this "Unilateral Agreement" or this "Declaration"), made this 7th of April, 2011, by Mokuleia Ranch Estates, LLC, a Hawaii limited liability company, whose address is 3107 Oahu Avenue, Honolulu, Hawaii 96822 and Coastal View Properties, LLC, a Hawaii limited liability Company, whose address is 440 W. Whittier Blvd., La Habra, California, 90631 (hereinafter referred to as the "Declarants",

WITNESSETH:

WHEREAS, the Declarants are the owners in fee simple of those certain parcels of land situated in Mokuleia, consisting of approximately 40.59 acres, described as Tax Map Key No. 6-8-003: 021, and more particularly described in Exhibit A attached hereto and made a part hereof (the "Land"), and desire to make the Land subject to this Unilateral Agreement; and

WHEREAS, the Declarants plan to use the Land for agricultural purposes as permitted by the Land Use Ordinance (the "Project"); and

WHEREAS, the City Council (the "Council") of the City and County of Honolulu (the "City"), pursuant to the provisions of the Land Use Ordinance ("LUO"), Revised Ordinances of Honolulu 1990 ("ROH") Section 21-2.80, as amended, relating to conditional zoning, is considering a change in zoning under the LUO of the Land from F-1 Military and Federal Preservation District to AG-2 General Agricultural District (the "zone change"); and

WHEREAS, a public hearing regarding the change in zoning, Bill 9 (2011), was held by the Council on March 16, 2011; and

WHEREAS, the Council recommended by its Zoning Committee Report No. 89 that the said zone change be approved, subject to the following conditions contained in this Declaration to be made pursuant to the provisions of ROH Section 21-2.80, as amended, relating to conditional zoning, and to become effective on the effective date of the zoning ordinance approving the change of zoning (the "Rezoning Ordinance");

NOW THEREFORE, the Declarants hereby covenant and declare as follows:

1. Prior to obtaining building or grading permits for any farm dwellings or other buildings, the Declarants shall submit an Engineering Slope Hazard Report to the Department of Planning and Permitting for review and approval as defined in Section 14-13.3 ("Definitions") of the Revised Ordinances of Honolulu 1990 as amended. Based on findings of the Report, the Declarants shall either (a) implement all mitigation measures recommended to protect farm dwellings or other buildings located in areas identified by the Report as posing a hazard, or (b) locate such structures in areas the Report deems not hazardous.
2. Prior to grading, grubbing, stockpiling, or building permit

approval, the Declarants shall obtain approval from the State Historic Preservation Division (SHPD) for an archeological inventory study and mitigation. The Declarants shall implement protection and/or mitigative measures as required by SHPD.

3. Declarants shall disclose to all prospective purchasers, tenants, lessees, and occupants of the property of the potential noise impacts of civilian and/or military aircraft and training activities that utilize Dillingham Airfield during the day and night. Language of the disclosure document shall be coordinated and concurred with by the State Department of Transportation (DOT) prior to execution of sales or lease documents, a copy of the disclosure document shall be provided to the Department of Planning and Permitting (DPP) for their records.
4. There shall be no further subdivision of the Land's existing three parcels of record except for the purposes of parcel consolidation and/or for access and utility easements.
5. The number of farm dwellings shall be limited to five within the total Land area of approximately 40.59 acres.
6. On an annual basis, the Declarants shall submit a written status report to the DPP documenting their satisfaction of and/or describing their progress toward complying with each condition of approval for this zone change. The status report shall be submitted to the DPP by December 31 of each year until such time as the DPP has determined that all conditions of approval have been satisfied. Failure to do so may result in delays in processing of further permits.
7. The Declarants acknowledge that approval of the zone change does not constitute compliance with other LUO or other governmental requirements. They are subject to separate review and approval. The Declarants shall be responsible for ensuring that the final plans for the Project comply with all applicable LUO and other governmental provisions and requirements.
8. In the event of noncompliance with any of the conditions set forth herein, the Director of Planning and Permitting shall inform the Council and may seek civil enforcement or take appropriate action to terminate or stop the Project until applicable conditions are met, including but not limited to revoking any permits issued under this zoning and withholding issuance of other permits related to Project. Noncompliance also may be grounds for the enactment of ordinances making further zone changes, including revocation of the underlying zoning, upon initiation by the proper parties in accordance with the Revised City Charter.

NOW, THEREFORE, the Declarants hereby make the following additional Declarations:

As used herein, references to a specific City department or agency shall be deemed to include a reference to any successor department or agency.

That the conditions imposed herein are reasonably conceived to fulfill public service demands created by the requested change in zoning and are rationally related to the objective of preserving the public health, safety and general welfare and the further implementation of the General Plan of the City and County of Honolulu.

That the development of the Land shall conform to the aforesaid conditions with the understanding that, at the request of the Declarants and upon the satisfaction of the conditions set forth in this Unilateral Agreement, the Department of Planning and Permitting may fully or partially release, as applicable, any of the foregoing conditions that have been fulfilled.

That if there are any conflicts between this Unilateral Agreement and any previous unilateral agreement(s) applicable to the Land, the terms and conditions of this Unilateral Agreement shall apply.

AND IT IS EXPRESSLY UNDERSTOOD AND AGREED that the conditions imposed in this Declaration shall run with the Land and shall bind and constitute notice to all the parties hereto and subsequent lessees, grantees, assignees, mortgagees, lienors, successors, and any other persons who have or claim to have an interest in the Land, and the City and County of Honolulu shall have the right to enforce this Declaration by rezoning, appropriate action at law or suit in equity against all such persons, provided that the Declarants or their successors and assigns may file a petition with the Department of Planning and Permitting for amendment or removal of any conditions or termination of this Declaration, such petition to be processed in the same manner as petitions for zone changes.

IN WITNESS WHEREOF, the parties hereto have executed this Unilateral Agreement and Declaration for Conditional Zoning on the day and year first above written.

DECLARANTS:

MOKULEIA RANCH ESTATES, LLC
a Hawaii Limited Liability Company

By 
Ralph S. Gray, Agent

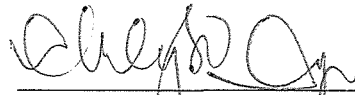
COASTAL VIEW PROPERTIES, LLC
a Hawaii Limited Liability Company

By 
Greg Jones, Manager

STATE OF HAWAII

CITY AND COUNTY OF HONOLULU

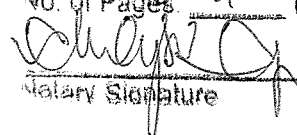
On this 13th day of April, 2011, before me personally appeared Ralph S. Gray, in his capacity as an Agent for Mokuleia Ranch Estates, LLC., a Hawaii Limited Liability Company, to me personally known/proved to me on the basis of satisfactory evidence, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.



Chelcy G.V. Reyes

My commission expires: 03/07/2014

L.S.

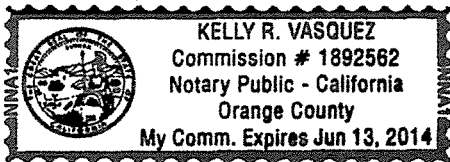
NOTARY PUBLIC CERTIFICATION	
Chelcy G.V. Reyes	First Judicial Circuit
Doc Description <u>Unilateral Agreement</u>	
<u>and Declaration for Conditional</u>	
<u>Zoning</u>	
No. of Pages <u>1</u>	Date of Doc. <u>none</u>
 Notary Signature	<u>04-13-11</u> Date

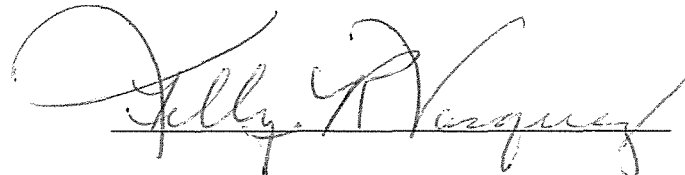
L.C.

STATE OF CALIFORNIA

COUNTY OF ORANGE

On this 15th day of APRIL, 2011, before me personally appeared Greg Jones, in his capacity as Manager for Coastal View Properties, LLC., a Hawaii Limited Liability Company, to me personally known/proved to me on the basis of satisfactory evidence, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.





Kelly R. Vasquez, Notary Public

EXHIBIT "A"

First:

All of that certain parcel of land (being a portion of the land described in and covered by Royal Patent Grant Number 231 to Namomoku and Paele) situate at Mokuleia, District of Waialua, City and County of Honolulu, State of Hawaii, being PARCEL 2-A, being Tract MF-58 of Dillingham Air Force Base, U. S. Civil 539 containing an area of 0.70 acres, more or less.

Second:

All of that certain parcel of land (being a portion of the land described in and covered by Royal Patent Grant Number 270 to Pine, Pao and Mahiai) situate at Mokuleia, District of Waialua, City and County of Honolulu, State of Hawaii, being PARCEL 2-C, being also Tract MF-57 of Dillingham Air Force Base, U. S. Civil 539 containing an area of 19.21 acres, more or less.

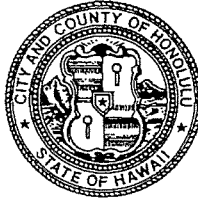
Third:

All of that certain parcel of land situate at Mokuleia, District of Waialua, City and County of Honolulu being LOT 2-B, area 20.68 acres, as shown on Map 3, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 824 of Mokuleia Ranch and Land Company, Limited.

Being the same premises conveyed by Warranty Deed dated July 2, 2007, recorded in said Office as Land Court Document No. 3624117, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2007-121000, and noted on Transfer Certificate of Title No. 866101.

DEPARTMENT OF THE CORPORATION COUNSEL
CITY AND COUNTY OF HONOLULU

530 SOUTH KING STREET, ROOM 110 * HONOLULU, HAWAII 96813
PHONE: (808) 768-5193 * FAX: (808) 768-5105 * INTERNET: www.honolulu.gov



PETER B. CARLISLE
MAYOR

CARRIE K.S. OKINAGA
CORPORATION COUNSEL

KATHLEEN A. KELLY
FIRST DEPUTY CORPORATION COUNSEL

April 19, 2011

RECEIVED
CITY CLERK
C & C OF HONOLULU
2011 APR 19 PM 1:38

The Honorable Nester R. Garcia, Chair
and Members of the City Council
City and County of Honolulu
Honolulu, Hawaii 96813

Dear Council Chair Garcia and Councilmembers:

Re: Bill No. 9, CD2 (2011) – Unilateral Agreement and Declaration for
Conditional Zoning for Mokuleia Rezone Change

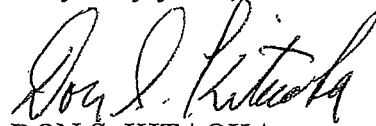
This letter is to advise you that the above-referenced Unilateral Agreement and Declaration for Conditional Zoning (hereinafter called the "Unilateral Agreement," a copy of which is attached) has been recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2011-064483 and in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 4066248.

The recordation is required by Section 21-2.80, Revised Ordinances of Honolulu 1990, as amended. We have reviewed the property description and data attached to the Unilateral Agreement and conclude that the Unilateral Agreement has been appropriately filed in both recording systems, that the Unilateral Agreement describes the affected property, and that all of the required signatures are present.

The Honorable Nester R. Garcia, Chair
and Members of the City Council
April 19, 2011
Page 2

In view of the above, we conclude that the Unilateral Agreement has been appropriately recorded as required by Section 21-2.80, Revised Ordinances of Honolulu 1990, as amended, and the Council may consider further action on Bill 9, CD2 (2011), as it deems appropriate.

Very truly yours,

A handwritten signature in black ink, appearing to read "Don S. Kitaoka".

DON S. KITAOKA
Deputy Corporation Counsel

APPROVED:

A handwritten signature in black ink, appearing to read "Carrie K.S. Okinaga".

CARRIE K.S. OKINAGA
Corporation Counsel

DSK:ml

Attach.

11-02013/174109

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
C E R T I F I C A T E

ORDINANCE

BILL 9 (2011), CD2

Introduced: 02/17/11 By: NESTOR GARCIA (BR)

Committee: ZONING

Title: A BILL FOR AN ORDINANCE TO REZONE LANDS SITUATED AT MOKULEIA, NORTH SHORE, OAHU, HAWAII.


Links: [BILL 9 \(2011\)](#)
[BILL 9 \(2011\), CD1](#)
[BILL 9 \(2011\), CD2](#)
[CR-63](#)
[CR-89](#)

Voting Legend: Y= Aye, Y* = Aye w/Reservations, N = No, A = Absent, ABN = Abstain

COUNCIL	02/23/11	BILL PASSED FIRST READING AND WAS REFERRED TO COMMITTEE ON ZONING.							
ANDERSON	Y	BERG	Y	CACHOLA	Y	CHANG	Y	GABBARD TAMAYO	Y
GARCIA	Y	HARIMOTO	Y	KOBAYASHI	Y	MARTIN	Y		
ZONING	03/01/11	CR-63 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AS AMENDED IN <u>CD1</u> FORM AND SCHEDULING OF A PUBLIC HEARING. CURRENT DEADLINE: 05/17/11.							
PUBLISH	03/05/11	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.							
COUNCIL/PUBLIC HEARING	03/16/11	CR-63 ADOPTED. BILL PASSED SECOND READING AS AMENDED, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON ZONING.							
ANDERSON	Y	BERG	Y	CACHOLA	Y	CHANG	Y	GABBARD TAMAYO	Y
GARCIA	Y	HARIMOTO	Y	KOBAYASHI	Y	MARTIN	Y*		
PUBLISH	03/29/11	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.							
ZONING	03/29/11	CR-89 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING AS AMENDED IN <u>CD2</u> FORM. (GRANTED A 90-DAY EXTENSION OF TIME (NEW DEADLINE: AUGUST 15, 2011).							
COUNCIL	04/20/11	CR-89 ADOPTED AND BILL 9 (2011), CD2 PASSED THIRD READING AS AMENDED.							
ANDERSON	Y	BERG	Y	CACHOLA	Y	CHANG	Y	GABBARD TAMAYO	Y
GARCIA	Y	HARIMOTO	Y	KOBAYASHI	Y	MARTIN	Y*		

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.


BERNICE K. N. MAU, CITY CLERK


NESTOR R. GARCIA, CHAIR AND PRESIDING OFFICER